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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,820	07/17/2003	Richard E. Ward	DER3P0101US	1278

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,820	WARD, RICHARD E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary K Graham	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10-14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brasty (US patent 2,885,710).

The patent to Brasty discloses the invention, a wiper spring (figs. 1,4) for a conventional wiper arm (2) which already has a spring (not shown, but disclosed) therein, as is claimed. Brasty discloses providing an auxiliary wiper spring (10,fig.4) for addition to a conventional wiper arm (2). The auxiliary spring is elongated and has first and second, generally U-shaped, hook-like ends (6,8) for engagement with the drive arm (4) and wiper arm (2), respectively. Note that the first end portion is larger than the second end portion and intermediate the end portions a spring loop (12) is provided.

With respect to claims 3 and 13, note figure 1, wherein it can be seen that the first hook-like end portion (6) is open in a direction generally facing the axis of an intermediate length (11) of the spring.

With respect to claim 4 and 13, note figures 1 and 3, wherein is can be seen that the second hook-like end portion is generally perpendicular to the axis of the intermediate length and opens in a direction facing downwardly.

With respect to claim 6, note downwardly angled bend with leads to offset (13). See figure 4. Such bend appears to be at approximately a 45 degree angle.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brasty (US patent 2,885,710).

The patent to Brasty discloses all of the above recited subject matter with the exception of a particular angle for the downwardly angled bend, a particular angle for the upwardly angled first hook-like end and the downwardly angled bend being intermediate the spring loop and the second hook-like end portion.

While Brasty does not discuss particular angles for the downward bend leading to offset (13), or particular angles for the first hook-like end portion, and appears to show such as 45 degree bends, it appears an obvious modification to Brasty to select different angles, including as claimed. The particular angles employed for the spring appear to relate more to the particular wiper arm the spring is to be used on and the desired additional spring force than any inventive concept. Further, where the general conditions of the claim are disclosed in the prior art, it is not considered inventive to discover the optimum or workable ranges by routine experimentation. It would have been obvious to one of skill in the art to provide the downward and upward bends of Brasty with any angle desired or required, including the angles as claimed, lacking any criticality of such angles, to provide optimal performance of the spring and enable adaptation to the particular wiper arm.

With respect to claim 15, again, while Brasty shows the downwardly angled bend as being intermediate the loop (12) and the first end, to shift the location of the bend appears to relate more to the particular wiper arm the spring is to be used on and the desired additional spring force than any inventive concept. Further, where the general conditions of the claim are disclosed in the prior art, it is not considered inventive to shift the location of components. Brasty clearly discloses offsetting the first end portion of the spring. To offset the second end portion instead appears an obvious variation of Brasty. It would have been obvious to one of skill in the art to provide the downward bend of Brasty intermediate the loop and second end as claimed, lacking any criticality of such shift in location, to provide optimal performance of the spring and enable adaptation to the particular wiper arm.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
12 December 2004